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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,948	11/27/2001	Rajko Milovanovic	TI-32228	1788

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EXAMINER

TANG, KENNETH

ART UNIT PAPER NUMBER

2195

DATE MAILED: 07/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/994,948

Applicant(s)

MILOVANOVIC ET AL.

Examiner

Kenneth Tang

Art Unit

2195

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. This action is in response to the Amendment filed on 5/2/05. Applicant's arguments have been fully considered but are not found to be persuasive.
2. Claims 1-5 are presented for examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldbland et al. (hereinafter Goldbland) (US 2001/0018673 A1) in view of Swaminathan et al. (hereinafter Swaminathan) (US 6,092,120).**

4. As to claim 1, Goldbland teaches a framework for applications on an applications processor in communication with an algorithm processor, comprising:

- (a) a plurality of plugins for an application on an applications processor (*Fig. 3*);
- (b) a plurality of algorithm components on an algorithm processor (rules engine), each of said plugins corresponding to one or more algorithm component(s), and said algorithm processor in communication with said applications processor (*Fig. 1, [0008]*);
- (c) a component scheduler on said algorithm processor (*Fig. 3, [0037]*);

(d) wherein said component scheduler provides quality of service for said application with regard to said components by: (i) component scheduling in response to controls from said plugins relating to execution of said components and ([0030]) (ii) notification of events related to execution of said components sent to said plugins ([0035]).

Goldbland teaches communication of an application over a network to perform actions such as presenting an advertisement, send an upgrade notice, present a limited time offer, deliver marketing messages, etc (*see Abstract*). Goldbland fails to explicitly teach the application being real-time media. However, Swaminathan teaches timely delivery of real-time media communications such as audio and video streaming over a network (*col. 1, lines 23-33, col. 4, lines 10-20*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the Swaminathan's feature of real-time media communications to Goldbland's communication system because this would enhance its advertisements, marketing messages, etc. by having audio/video streaming, for example (*col. 1, lines 23-33, col. 4, lines 10-20*).

5. As to claim 2, Goldbland teaches wherein:

(a) said controls include a set of data rate for one of said components (bandwidth) ([0037]).

6. As to claim 3, Swaminathan teaches wherein:

(a) said events include notice of failure of meeting a presentation time for one of said components (late loading error handling provides notification) (*col. 13, lines 35-43*).

7. As to claim 4, Swaminathan teaches:

(a) an applications processor scheduler to determine deadlines for a media stream that can be scheduled on said algorithm processor, and wherein said component scheduler on said algorithm processor schedules a frame at a time of said media stream (*col. 13, lines 35-43, col. 11, lines 54-62*).

8. As to claim 5, Goldbland teaches:

(a) a plurality of second algorithm components on a second algorithm processor, with said second algorithm processor in communication with said applications processor and said algorithm processor and said plugins also relate to said second algorithm components (clients and adding agents) ([0038]).

Response to Arguments

9. During patent examination, the pending claims must be “given their broadest reasonable interpretation consistent with the specification.” *In re Hyatt*, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

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10. *Applicant argues in the Remarks/Arguments section that Goldband Fig. 3 is detail of the persistent agent on the user machine of Fig. 1 and shows both plugins and a scheduler on the application (user) processor. In contrast, independent claim 1 requires a scheduler on the algorithm (server) processor. Goldband does not suggest this scheduler location.*

In response, the Examiner respectfully disagrees. It is inherent that there is scheduling by a scheduler in the processor. As objective evidence, Silberschatz et. al.'s OPERATING SYSTEM CONCEPTS: FIFTH EDITION (page 125) demonstrates that a standard processor (CPU) contains a scheduler, namely a CPU scheduler, to schedule processes.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Tang whose telephone number is (571) 272-3772. The examiner can normally be reached on 8:30AM - 6:00PM, Every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kt
7/14/05


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